

SOLIDARITY

The Trade Union Magazine

Campaigning to break the unions from 'Social Partnership'

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A tale of two elections Matt Wrack wins FBU election

TGWU, Amicus, GMB - a merger on whose terms?

Five years of 'partnership' in the North Sea

European Constitution - French Referendum

Feature on China Debate on the future of US unions

Ireland - Trade Union Activists Forum

SOLIDARITY

A publication for union members and activists, campaigning in the Trades Unions for:

- ☐ A break from the 'social partnership' approach which ties the unions to the coat-tails of the employers.
- ☐ A 'new unionism' which opposes subordination to the 'global market' and campaigns for a practical working class internationalism, building on the experience of the Liverpool dockers.
- ☐ Opposition to privatisation, whether outright, or in the form of PFI or PPP, and popularisation of the idea of social ownership.
- ☐ A trades unionism which, whilst fighting to improve working conditions and wages, breaks with the narrow workplace concerns of 'non-political' trade unionism, and fights for the interests of the working class and oppressed as a whole.
- ☐ Repeal of all anti-union legislation and an end to state interference into the unions.
- ☐ An end to all bureaucratic privileges and control of the unions.

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A Tale of two elections

The enduring image from the General Election night is that of Blair caught in the spotlight behind Reg Keys, father of a soldier killed in Iraq. Eyes glazed, visibly squirming, Blair looked into the distance as Keys hoped that he could find it in his heart to apologize for Iraq, and maybe even find time to visit some soldiers injured in the conflict.

Instead of appearing like a victor with the "historic third term" ahead, you could have mistaken him for a defeated man. In his 'magnanimous' speech Blair said that "the country" wanted a Labour government but with a reduced majority. In fact 22% of the electorate voted for Labour. The undemocratic first past the post system delivered a majority of 67 seats despite one of the smallest percentage of votes for a winning party in many years.

"We will listen to the people", he said. Yet in putting together the new government Blair continued as before, indicating that he will be "unremittingly New Labour" as he had promised before the election. With discussions on public sector pensions one of the first issues on the agenda, Blair gave the DWP to Blunkett, not one of life's great diplomats. And it was more jobs for 'Tony's cronies', including privatisation guru Andrew Adonis, ennobled to overcome the fact that he is unelected.

The government moved swiftly to create 27 Labour Peers to bolster its position in the House of Lords for potential battles over the introduction of identity cards and other contentious issues.

Blair's performance after the Queen's speech was not that of a chastened man. It exhibited the same ideological fervour and determination to push through his agenda regardless of anybody else's opinion. According to a report in the Guardian the government is prepared to use the Parliament Act to push through its ID Bill. Patricia Hewitt swiftly announced that the private health sector is being given a £3 billion bonanza in elective surgery. The government's 'crackdown' on Incapacity Benefits claimants is an expression of the reactionary prejudices against 'spongers'. Whilst there are undoubtedly individuals who work the system, who could find work, the government has imposed a regime where people with cancer and other serious illnesses are dragged in to offices to test whether or not they are fit for work. Benefits staff are forced to work a system which sets them performance related pay targets for getting people off of benefit.

Many people on incapacity benefit would like to work, but the real problem is that very few companies will take on disabled people. The government target of 3% disabled people in a business is voluntary. Persecuting sick people is one thing but the government does not express the same anger towards corporate scroungers who carry out tax avoidance on a massive scale.

There has been much talk of a weakened government and a 'lame duck Prime Minister'. Clearly Blair has paid a price for his policy in Iraq and his alliance with Bush. In East London George Galloway's election was largely a referendum on the war. Elsewhere, the Liberal Democrats gained many of the votes from electors determined to punish Blair for his lies and warmongering. However, to Blair's majority of 67 must be added 5 Sinn Féin votes, since their MPs do not attend Westminster. How vulnerable this majority proves to be remains to be seen. It will be tested not only by the resolve (or otherwise) of Labour MPs who have called for Blair to go, but by events outside Parliament

John McDonnell, secretary of the Campaign Group of MPs, the most consistent opponents of Blair in Parliament, was strangely

mutated after the Queen's speech.

"We are looking to negotiate for the best possible deal, but there will be people who will want to draw lines," he said. "The key issue now is whether the government will negotiate to build consensus. It looks as if they are moving towards that instead of slapping people down. On the left we want to demonstrate that we are about serious government. It depends on the detail that's the whole point now."

What labour movement activists want to see is that they are serious about challenging the government. The 'whole point' is that the government is moving ahead with its privatising agenda. How can you oppose it with a 'consensus' with market fundamentalists like Blair?

It now appears to be moving towards regional privatisation of the railways. It still opposes council house building and Brown has dreamed up a new plan to help more people get into debt, buying a house they cannot afford.

The other election which may have a bearing on relations between the government and the unions was that for the General Secretary of the FBU, which, by chance, was announced the day after the General Election. It was a stunning and decisive victory for Matt Wrack. The degree to which the ruling apparatus of the union was out of touch with their members was reflected by their spin which

'If trade union leaders are not prepared to organise serious resistance against the government then we have to organise to turf them out in the way that FBU members have.'

predicted that the vote was "too close to call". In fact Gilchrist and those who led the FBU dispute to defeat, were completely discredited amongst the majority of the members. The attempt to witch-hunt Matt and the flagrant breach of campaigning rules by Gilchrist's supporters completely backfired.

The weakness of the Blair government Mark 3 will be measured in part by the action which the FBU is able to mobilise (together with other public sector unions) in defence of their pension, their opposition to Regional Control Centres, and cuts in service.

Whilst the threat of the election of a Tory government (never very real but projected as a possibility by New Labour's propaganda machine) did have some impact amongst working class voters, the most unseemly aspect of the election campaign was the line put by many trade union leaders that workers should vote Labour because of its wonderful record. GMB General Secretary Debbie Coulter said that Labour was the only party to "protect" schools and hospitals. This was a staggering statement from a union leader whose members have suffered the consequences of New Labour's ideological commitment to privatisation.

The Warwick agreement was held up like a talisman to support this mendacious rubbish. Tony Woodley, in response to the decision to end the 'two tier workforce', said public sector workers would welcome this as "a restatement of the Government's positive attitude towards public sector delivery of public services"; that is

the very services the government is privatising.

UNISON's Dave Prentis responded to the government's tactical retreat over pensions by announcing that this was "partnership at its best"! On the contrary it was, of course, the threat of widespread strike action in the run up to the General Election which made the government retreat.

Why should trade union members who are threatened with working five more years for a reduced pension place any confidence in trade union leaders who tell them the government has their best interests at heart after eight years of attacks on the public sector?

There are other issues on which the government could prove vulnerable, particularly a referendum on the EU constitution. The situation in Iraq remains a running sore. The government's agenda remains entirely neo-liberal, despite all the false praise of the union leaders. We have just had the spectacle of Labour MEPs supporting an end to the opt-out of Britain on the Working Time Directive, a decision which the government will continue to oppose in the Council of Ministers.

In a tentative way Derek Simpson has called for Blair to sort out a 'succession'. Blair should remember the unceremonious way that the Tory party dumped their hero Thatcher when they considered her a liability. A defeat for Blair at the hands of the unions could seal his fate. That is why we should expect many union leaders to resist mobilising to defeat the government.

The conciliatory position of the union leaders was reflected by UNISON's Head of Health, Karen Jennings. Responding to Patricia Hewitt's talk of doing a lot of listening to patients and staff, she said that she looked forward to working with Hewitt who came with "excellent credentials". Jennings added that the NHS has taken giant steps to working in 'partnership' and was pleased that Patricia Hewitt would continue with this approach by listening to all the relevant parties!

Two days later Hewitt announced her bonanza for the private sector. "What a disappointing start to a third term Labour government," said Jennings. It's hardly a surprise is it?

It is a fact that the political programme of the New Labour government is a neo-liberal one. You cannot compromise with it unless you accept privatisation. The Warwick 'concessions' were designed purely to keep the unions onside, and paying their money over to the Party. The programme of the government is entirely incompatible with the interests of the working class, and not only public sector workers. Mealy mouthed criticisms of the government are worthless. If the unions are to represent the interests of their members and the wider working class then they have to launch a serious struggle against the government, be it against 'pension reform', public sector 'reform', or the EU constitution. If trade union leaders are not prepared to organise serious resistance against the government then we have to organise to turf them out in the way that FBU members have.

Public Sector pensions

We will find out soon enough whether the government seeks to push through its original proposals in relation to public sector pensions, or whether it seeks to manoeuvre in order to break up the united front of unions.

In the letter from Alan Johnson to Public Sector Union General Secretaries on March 23rd, he said that: "We are proposing lengthy transitional arrangements to protect existing workers, for

example there will be no effect on staff aged 52 or over and changes will not be backdated."

Nobody will be forced to work until 65, he told them. They will have a choice. What was implied but not said, however, was that the government would stick to its proposal of 65 as the normal retirement age, in which case most public sector workers will simply not be able to afford the "choice" of retiring before then, especially on a reduced or "average" pension.

Johnson also made it plain that neither the Summit held on March 31st, nor its follow up meetings, would be a forum for negotiation. The scheme-specific discussions would be the arena for detailed consultations. This is a potential trap. The government will do everything it can to split up the united front achieved by cross union strike ballots. Should the government not change its position, then public sector workers would be very angry indeed, and further ballots for strike action would follow. Yet they may well dole out sufficient concessions to give the trade union leaders the chance to try to sell them to the members. This might involve protecting existing members but abandoning new starters to a lesser new scheme. It might involve retirement an earlier age, say 63.

If the government can get union leaders to support a settlement in one scheme, which involves working longer for less, then this would be used to break up the public sector united front.

In some areas of the country links were made between activists in the various public sector unions in preparation for the strike action. These links should be maintained and developed in order to organise against any attempt by trade union leaders to abandon defence of existing pensions and to accept a two tier system.

Defence of retirement at 60 and final salary schemes are the key points at issue. Union leaders, particularly those in unions affiliated to the Labour Party, have held back from a serious struggle against the government for fear of it leading to a political break with the Party wider than the RMT and FBU. Some of them will undoubtedly try to reach a compromise which will involve their members working longer for less pension. Activists will have to organise to prevent such an outcome.

We do not want one set on workers on one scheme and others on a different, and worse one. This would undermine the unity of members, and lead some to ask, what is the point of a 'union' which accepts worse conditions for some of its members?

The lack of any significant progress in rebuilding the unions is the direct result of the failure to win any major struggles. If the government is forced to retreat over pensions, or any of its policies, in the face of major trade union opposition, this would show that the unions were not powerless organisations. Nothing succeeds like success.

Whilst union members would for the most part be prepared to pay more to preserve their final salary schemes, working longer for less is not acceptable, especially when they know MPs gave themselves an increase in what is a good scheme already. There is sufficient anger should the unions mobilise it and organise a serious struggle against the government's attack on their members, to stop the government in its tracks. But it is important to maintain a united front of the unions or the government may pick them off separately. That is why the crucial issue for activists and the membership in general is to build practical cross union links and to block any attempt from whatever quarter at the top of the unions to undermine what has the potential to be a pivotal struggle.

Decisive victory for Matt Wrack

Supporters of the FBU establishment declared that the General Secretary's election was "too close to call". Yet when the result was announced, Matt Wrack had secured 63% on a high turnout: 12,833 votes to Gilchrist's 7,259. This showed how much out of touch the union leadership was with the membership. In reality it was always going to be an uphill battle for Gilchrist given the level of contempt amongst the wider membership for his and his supporters responsibility for the defeat of the Firefighter's dispute. The establishment had lost every election contested since the dispute. Matt Wrack had won the Assistant General Secretary's election despite the fact that a third candidate took votes off of him and despite the witch-hunting and lies which were flung at him. He was apparently part of a plot by Respect to 'take over the FBU'. This ignored the fact that he was neither a member nor supporter of Respect. But Gilchrist and his supporters were desperate. They were fighting for their jobs.

They witch-hunted 'Grassroots FBU' which was formed by members opposed to the settlement Gilchrist had pushed through a demoralised membership. Grassroots had been denounced for planning to form a breakaway union; a charge which the accusers knew was nonsense since Grassroots had been opposing a trend amongst some members to leave the union in despair.

Assistant General Secretary Mike Fordham even used a column in the union's magazine to effectively call for a vote for Gilchrist to stop the union ending up on the 'political fringe'.

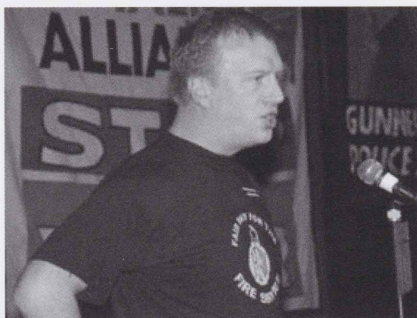
The end of the world as we know it?

Fordham said: "This election is about the future, it is not about the past. There is a stark choice: this union will stay strong, united and important or it will tear itself apart."

Those choices will determine the future of jobs, pensions and the fire service itself. The union will stay relevant or it will drift to the very margins of the left and the fire service will be torn apart."

And during the GS election, Gilchrist's supporters flagrantly breached the no campaigning rule by issuing leaflets, signed by Regional officers, calling for a vote for Gilchrist!

Why was it such a decisive victory? It was a reflection of the standing of Matt Wrack



as somebody prepared to stand up to the Gilchrist clique, with a proven record of providing leadership. It reflected the extreme anger with a leadership which tried to sell a defeat as a victory.

Such a big majority gives Matt authority which the apparatus of the union will find difficult to challenge, though it will not stop them trying to frustrate his efforts. The astonishing investigation of a complaint against him (ignoring the flagrant breach of rules by Gilchrist supporters) came to the not surprising decision that Matt had no case to answer. However, this election does not change the composition of an Executive Committee which largely went along with Gilchrist and voted by majority for the banning of Grassroots FBU.

A mood for unity?

Whilst there appears to be a mood for unity emerging around defending the interests of the membership and the service, there still remains a need for root and branch reform of the FBU and membership control. The rank and file web site UK-Fire, which has suffered much criticism because of the naked hatred of the Gilchrist leadership given expression on it, after the conference produced a statement welcoming calls for unity behind the new General Secretary. However, they also added:

"Members will undoubtedly never forget the past and the ballot box at election time awaits any FBU officials who seek to persist in the undemocratic moves of the past few years. Candidates will be judged on past and future performance come election time."

The first test for the union is that of the proposal to move to Regional Fire Control Centres. The Fire Brigades Union conference said the Government should drop its controversial plan to close all fire service control rooms in England and Scotland. The union says the project will lead to cuts in fire services, push up council tax and put lives in danger.

The Government plans to close 46 control centres in England and create 9 regional centres. In Scotland the plan is to reduce the number of control centres from 8 to either 3, 2 or one.

The conference passed an emergency resolution condemning the plans and committed the union to oppose them by all means possible including balloting for industrial action.

Matt Wrack commented:

"The new ministers need to listen to the voices of the fire service telling them this plan must be dropped. It is opposed by the workforce and by large numbers of councillors and fire authorities. The Government's track record on large scale technology projects is very poor. Their record suggests this project will be very expensive and fraught with difficulty."

The project will lead to cuts in fire services and push up council tax to pay the £1 billion costs of these remote regional centres. It's expensive, risky, and won't save a single life. Our ability to respond instantly to incidents could be badly damaged. It won't be benefits or tax credits being delayed, as happened after other Government technology failures, it will be a frontline 999 service.

The new ministers must look again at the professional arguments put to them. If they press ahead we will look at our options and that will include industrial action."

The other big issue facing the union is, of course, pension reform. With Matt Wrack winning the election there is more chance than with Gilchrist at the head of the union, of coordination with other public sector unions of a struggle against government proposals to make public sector workers work longer for a lower pension.

Rebuilding from the grassroots

Matt's victory has the potential to open the way to rebuilding the union. However, he is well aware of the fact that there is a great deal of work to be done to overcome the demoralisation and cynicism which resulted from the defeat which the union suffered. Rebuilding it from the grassroots is a critical task because the best leadership in the world cannot substitute for the consciousness and organisation on the ground. That is where the strength of any union is tested.

A Merger on whose terms?

Martin Wicks assesses the prospects for the proposed creation of a 'super-union'.

The proposed merger of the TGWU, Amicus and GMB, offers the prospect of a union of more than 2 million members. It could be a step forward, or a bureaucratic nightmare. What is the motivation behind the proposition? According to Tony Woodley:

"This is an historic opportunity for trade unionism to seize the industrial agenda of the twenty first century, and to win for today's workers on pay and conditions. We could now put behind us pointless inter-union competition and focus on fighting for our members in the workplace as one powerful union. Today's announcement is a message of hope for every worker who needs strong trade unionism, and a warning to employers that we intend to match the power of capital with the power of united labour."

'Organising' at the heart of the new union?

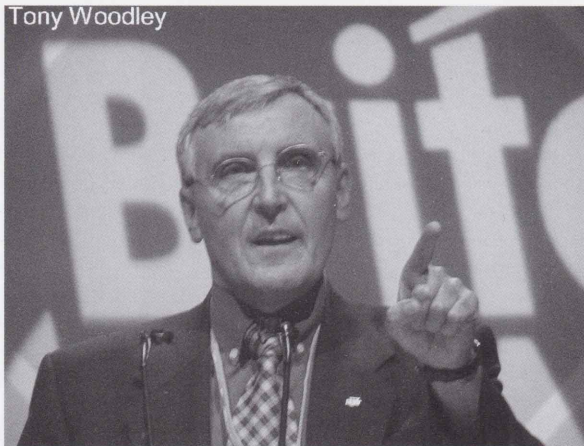
According to Woodley, "organising" will be at the heart of the new union. It may not make any new trade unionists on its own, but "it will be a powerful springboard for carrying trade unionism to the millions of unorganised workers who need our protection in Britain and Ireland today."

It is undoubtedly true that there is a need to organise the unorganised, but if officials concentrate on recruiting new members whilst neglecting the weak organisation of unionised workplaces there is unlikely to be an overall rise in membership.

Tony Woodley says that the new union will carry forward "the best traditions of all its components, developed over a century of struggle". He does not say what these are. What about their worst traditions? Amicus incorporates the tradition of the EEUPTU. As we reported in Issue 14 of **SOLIDARITY** there has been no real break from the 'partnership' agenda. The EEUPTU and AEEU became the union of choice for employers wishing to keep out independent and militant trade unionism. The GMB has some appalling 'partnership' agreements in places such as ASDA-Walmart. Whilst Tony Woodley talks of lay member democracy, a fine thing, there is no history of lay member control in the GMB which does not elect its full-time officials, nor does it have direct election of its powerful Regional Secretaries.

So far as 'organising' is concerned Woodley

Tony Woodley



says 10% of the new union's income would be devoted to it. However, this is not a panacea. Indeed, the 'organising' concept was borrowed from the US AFL-CIO. Having full-time recruiters is no solution, since recruitment can be a revolving door, through which members come and go, unless there is a combative organisation rooted in the workplaces. In the US unions membership has declined because all the organisers under the sun cannot compensate for the fact that the unions, for the most part tied to a 'business union' outlook, are not independent, nor do they challenge the subordination of their members to market dictates. Membership has continued to decline despite the organising strategy.

TGWU members should look very closely at the SEIU experience which is being touted by the TGWU. This is a union which has partnership deals with the vultures of the private health sector. In one case it even had its members on a bonus for cutting the number of people attending a hospital!

"Self-sustaining workplace organisation"

TGWU Assistant Secretary Jack Dromey (this must be the first time we have quoted him approvingly) is right when he says:

"Organisation is built on the simple truth unless you build strong, fighting, self-confident and self-sustaining workplace organisation, you do not win, you do not grow and our hard-pressed officers run ragged servicing a fragmented and declining membership.

Organising, identifying lay leaders who will organise their workplace, factory or farm, for there is no other way for workers to gain control of their destiny."

This is true. But you cannot build such organisation in alliance with the

employers. The weakness of much workplace organisation is not only the result of the defeats suffered in the Thatcher period. The concentration on "individual services" has undermined collective organisation.

Mergers in Britain have tended to be a means of preserving union apparatuses in the face of a declining membership. The mere amalgamation of three unions will not create the conditions for a reversal of the big decline which took place from 1980.

Some of the work of the TGWU appears to be pushing in the right direction (see their "100% Union" campaign) though even the TGWU has not made a break from 'partnership' agreements.

Membership Control

The merger process has tended to be determined by the union apparatuses and over the heads of the members. It is therefore important that activists from the three unions meet to discuss what sort of merged union we would want. The question of membership control is obviously crucial. The debate over a rule book, therefore, is not just about structure, but about democratic control of a merged union. All full-time officials should be subject to election rather than appointment. Conference should be the ruling body and an executive committee obliged to carry out its policy.

The question of the relationship with the Labour Party may also be part of the debate. Whilst some of the leaders may see a merged union as a means of enhanced "influence" in the Labour Party, it could of course, be a means of holding the line against a break from New Labour. It should be remembered that the formerly loyalist GMB has taken the decision that it will no longer automatically support Labour candidates, only those who oppose privatisation and support GMB members. There were not many of those in the General Election! Extending this step to support candidates other than Labour ones, could be blocked in a 'super-union'.

Whilst the GMB Regional Secretaries (elected by Regional Councils not by the membership) appeared to consider a merger as a potential threat to their power bases, the union CEC agreed to explore the possibility of a merger.

Since then Kevin Curran has departed and Paul Kenny has taken over as acting General Secretary. In response to talk from Amicus of the possibility of a merger

ballot in the autumn of this year, Paul Kenny has issued a statement to staff clarifying the situation.

"Tentative" but "open minded"

He says that the working party which the CEC agreed to set up was to look at the prospect of a new union, not a "bolt-on old style merger". The CEC was "tentative" but open-minded enough, he said, to realise it would be short-sighted to ignore what is "an exciting possibility". But as yet no meeting of the working group has taken place. Kenny insists that the GMB will not be bounced into a merger.

"I have a personal view which is very much in tune with the Executive's current thinking, I would like to try and establish the principles of a new union if that is possible and I would then like to submit those principles in a consultative way to our members and our employees."

He expressed the hope that the preliminary discussions would be completed by the end of the summer, and if the Executive considered those discussions constructive then consideration would be given to "a much wider consultation process across the union." Even if there was agreement on principles there would need to be a lengthy period of discussion on structure, Finance, Rule Book etc. The GMB would not be "breakfast" for any predator.

"Frankly the idea that such a new union could even begin to be formed at the earliest before 2007 is ridiculous."

These comments raise more questions than answers. There are those within the GMB apparatus opposed to merger. Others believe that the union could not compete with a merged Amicus-TGWU, so they feel the need to get on board.

However, the position adopted by Kenny will give those for whom a merger is dependent on the conditions and the democratic framework for the members to assert control, more time to develop discussion amongst the activists of the three unions.

Those who want a member controlled union need to organise to demand that the membership are involved in the debate and have the ability to affect the outcome, rather than being presented with conditions determined by union leaders; simply being given the choice of yes or no to an unalterable package.

One of the big organisational issues relates to the construction of branches. Should they be geographical, work place based, or industrial ones? This should be an issue for the membership to determine and not imposed by some head office dictat, or the result of a universal 'model' to be mechanically applied.

At the local, regional and national level, cross union meetings need to take place directed at pushing a merger which creates a framework for the members to use to fight for their interests independent of the employers, and as democratic as we can achieve.

A merger between the TGWU and GMB would be more 'natural' given that they are both general unions. The structure of Amicus which has swallowed the GPMU and UNIFI makes the discussion more complicated. The Amicus apparatus has been giving out the message that a new union would be based on its structure. This is somewhat premature.

Perhaps the Amicus leaders' vision of a modern union was reflected at their recent conference where delegates voted by pressing a button and asked to speak not by raising their hand but by pressing another button. How's that for top table control? Nobody can even see if the chair is carving you out of discussion!

It remains too early to decide for or against a merger. But the opening of a discussion provides an opportunity for left activists within the three unions to meet and discuss how the struggle for democratic control and a more militant trade unionism can be advanced in each of the unions.

A Labour-loyal 'super-union'?

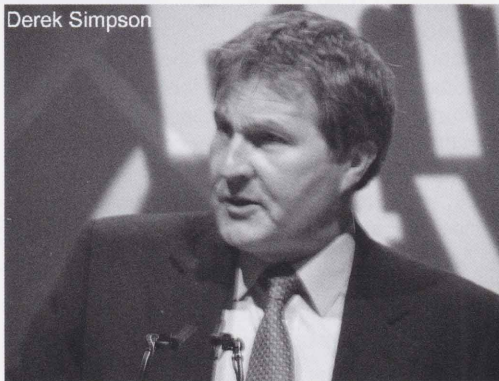
Amicus Central London branch member Roland Rance examines the proposed merger.

The proposed merger between the TGWU, Amicus and the GMB unions may indeed create the biggest union in Britain. Under present conditions, however, it is unlikely to be a militant union under lay control, but rather a New-Labour loyal, officer-led, body, more concerned with getting cheap insurance and credit cards for its members than with fighting for their jobs, pay and conditions.

Amicus has yet to conduct its first delegate conference since it was created by a merger between the old MSF and AEEU unions (in effect an annexation of MSF by the AEEU). The new union has already absorbed the banking union UNIFI, and the printing GPMU, without any democratic discussion. Within the GPMU over 50,000 retired members were excluded shortly before the ballot four times the eventual majority in favour.

Since the merger, and despite the apparent

Derek Simpson



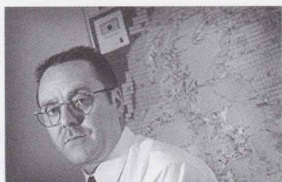
election of a left general secretary and a nominal left majority on the NEC, the industrial record of Amicus has recalled the worst days of the anti-worker practices of the old EEPTU, which has long dominated the AEEU. In one instance, GS Derek Simpson personally instructed union officials to lead Amicus members across an official GMB picket line at the new Wembley Stadium, after one official described workers he was supposed to represent as "disruptive and militant elements". This incident led to a split in the Amicus left, with a majority supporting this scabbing, and the exclusion from the

NEC "left" caucus of those (mainly SWP members) who supported the workforce. Since the merger, Amicus members have lost control of their own political fund. Decisions are now taken on behalf of all members by those members delegated to local Labour Party GMCs. Those not in the Labour Party, or even those who are not GMC members, have no say.

Lay democracy is now further threatened by the proposal to scrap all existing branches, and to form large (2000 member) branches, based on members home address rather than their place of work. This, if it goes through, will emphasise the union's decision to focus on its members as individual consumers of union-provided services, rather than as workers with collective interests and the need to organise together. Unless the proposed new union is based on the principles of collective organisation and action, of lay democracy, and of mutual solidarity, it will be a further step backwards for millions of workers. The left in Amicus must oppose this, and we must fight to regain control of our own union.

Five years of 'partnership'

Jake Molloy, OILC General Secretary looks at the experience of the 'partnership' agreements in the North Sea, after 5 years. It is reproduced from 'Blowout', OILC's magazine.



May 2005 marks the 5th anniversary of the "Partnership" agreements. For the uninitiated, that's the Offshore Contractors Association (OCA) agreement with the unions Amicus and GMB, and the United Kingdom Drilling Contractors Association (UKDCA) agreement with Amicus. These deals determine the rates of pay, holiday entitlements and working hours, allegedly, of all those employed by engineering and drilling companies affiliated to the respective associations. In short, the deals cover the vast majority of workers employed in these sectors, irrespective of whether or not they're members of either union.

Not one offshore worker was consulted

From the outset OILC argued the deals should never have been done. Amicus and GMB claim that's 'sour-grapes' on our part, because we're not involved. The fact is OILC want no part in these deals. In any case, we would not enter into any deal without first securing the support of our members and workers generally who would be covered. It's a simple, basic principle, termed democracy. Not one offshore worker was consulted about the partnership deals. Amicus and GMB instead preferring to get into bed with the employers than deal with the workforce at a later stage. One official argued it was the old 'half empty/half full' scenario, the belief being that having secured a deal this would then bring the desired membership.

So, what's been the impact of five years of union/employer partnership, in an industry where union recognition never previously existed because of employer resistance? For the troops on the ground "partnership" has delivered little or nothing. The employers blatantly abuse the terms of the agreements virtually on a daily basis. They make a complete mockery of the so-called 'partnership' ethos, and seriously undermine the integrity of their union partners. We continue to see many hundreds of workers being transferred out of UK employment, leaving them extremely vulnerable, as our latest report, "TUPE Hi-jacked: A Story of Betrayal", demonstrates. The number of agency hands continues to increase as they can be paid at

lower rates. Reports of foreign workers on low pay are also increasing. Nepotism, cronyism and the NRB still loom large in every area and two-tier workforces are commonplace. Employers refuse to consider any holiday

entitlement despite the terms of the Working Time Directive and despite suggestions by former National Officers that 'partnership' would bring parity with Norwegian workers. And most damaging of all, the anticipated membership has failed to materialise - but that's hardly surprising given what's going on!

On the plus side, the voluntary partnership deals are of course in line with the "business friendly" profiles of the unions and in that respect, the deals have been a big success - the unions are still considered "business friendly".

I get no pleasure in writing this stuff or in running some of the articles in this edition. It's actually pretty depressing really, especially when you consider how different things could be. For instance, how long do you think it would be before you got holidays if we had a united union front? How long would it take to rid the North Sea of two-tier workforces on the same contracts? How long to remove the threat of temporary lay-off? Or how about fighting some of the changes being forced on workers right now, like extending trip patterns to 3x3, or changing contracts to "strictly ad-hoc"? What about the exploitation of foreign workers, happening now and under the umbrella of these deals? And what of the "cross border" initiatives with Norway, where Norwegian workers and their unions fear the erosion of their hard fought for standards.

Desperate for change

While unity among the unions may be lacking, the same can't be said about our members and members of the partnership unions. They are united on one thing - they are all desperate for change. Working together on installations across the North Sea they collectively crave solutions to the many problems they face, most of them caused by these worthless deals. The deals also undermine the efforts of union officials who are trying hard to improve things. Hard working officials like Graham Tran at Amicus inherited these deals, and

unless his superiors intervene, he's stuck with them. That really is a depressing thought, as I know our officials could work well with the likes of Graham in a union partnership. And partnerships between unions was a point made by Bob Crow, General Secretary of RMT, who at a recent OILC Conference spoke of Trade unions getting into partnership with each other, rather than with employers.

Unfortunately, for every honest official keen to improve relations and develop "union partnerships" that deliver real benefits to our respective members, there are other officials hell bent on preventing progress. Only they know the reason for this opposition. We can guess at it, but then we probably say enough in this edition of Blowout and in our latest report "TUPE Hi-jacked: a Story of Betrayal". And it's this opposition that raises the question

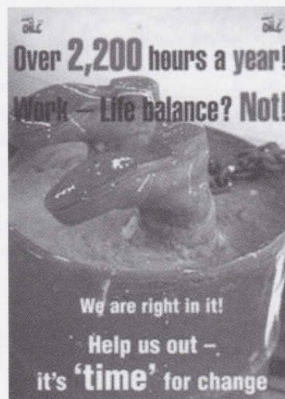
about partnerships; 'on whose terms?' They are certainly not done on terms determined by workers across the industry.

I don't know how often I've said this, but I'll risk boring you to death and say it again - OILC is committed to working with any and all organisations to the benefit of our members and offshore workers generally. That has been the position of OILC National Conference for several years now and I am governed by Conference. Accordingly, over

the last few years I've written to all the unions highlighting issues of concern, they also receive our publications, we invited them to working time seminars, we even invited them to our National Conference. With the exception of a few committed individuals in RMT, we've had little or no response.

Linking up with our Norwegian colleagues?

No one should be left in any doubt here, we have tried extremely hard to bring about unity of action. However, intransigence on the part of a few officials within a couple of TUC unions and the TUC itself, continues to stifle real improvements for offshore workers. This intransigence forces us to expose the actions of other organisations, because their actions will impact our members. So, depressing as it is to write this stuff, we have little option. To my mind, pooling all of our resources and linking up with our Norwegian colleagues has to be the way ahead for the sake of all our members.



"Sweetheart unionism at its most supine"

The following is extracted from an OILC Update on the Employment Tribunals seeking to end the scandal of offshore working being robbed of their right to 4 weeks holiday.

The long-awaited legal action for holiday rights commenced at Aberdeen Employment Tribunal on 23rd February and the question of jurisdiction immediately came to the fore, as OILC had been warning for years it would. Does the tribunal have jurisdiction to hear applications from offshore workers denied four weeks' paid holiday? No, say the offshore employers, the regulations cannot apply beyond the 12 mile territorial limit because of the Government's failure to append to the regulations the necessary Order in Council.

Regardless of which side wins this initial jurisdictional argument, the other side will appeal. Only when jurisdiction is settled will the various matters of substance be tested by the court. Amongst them will be the interpretation of the meaning of the term '4-weeks' holiday', the status of compensatory rest days and, in all probability, the structure of a formula for calculating how many holiday days are due at any particular point in the 52-week cycle.

The offshore employers have indicated that

they are looking forward to the forthcoming legal proceedings to the extent that they believe themselves in a strong legal position to resist the 4-week holiday claim. In this regard OILC believes the employers intend to utilise the various collective agreements in place with the 'partnership' unions. The terms and conditions laid out in the contracts of employment of many offshore workers are subject to these agreements.

Astonishingly, the signatory unions, Amicus and GMB, are not technically in dispute with the employers over the 4 week holiday issue and instead have asked individual members to lodge personal applications at the Employment Tribunal. The somewhat bizarre scenario is unfolding whereby the employers intend to resist these applications by citing in their defence the collective agreements counter-signed by the unions, agreements that specifically rule out a contractual right to four weeks' paid holiday!

No statutory or contractual breach?

The offshore contractors' will almost certainly argue that they are only bound to offer the contractual terms laid out in the Offshore Contractors' Agreement. It is their position, as a matter of fact, that the **agreed** terms make no provision whatsoever for four weeks' annual paid holiday (COTA Agreement similarly). Since there is no

statutory or contractual breach, then potentially, no case exists to answer? Ah, the Mickey Mouse world of sweetheart unionism!

Once the jurisdictional obstacle has been surmounted the serious difficulties thrown up by the various sweetheart agreements (including COTA) will have to be tackled. These agreements undoubtedly have the potential to confuse and obscure the argument for four weeks holiday as, not only do they confirm explicitly the no-holiday status quo they also, in their present forms, unequivocally confirm the employers' prerogative to allocate holiday on dates dictated by them, whether field-break, or not. Just one of the reasons why OILC argue these agreements should be torn up.

Nevertheless, OILC's legal team is buoyant, relieved that the fight for holidays is at last emerging from the swamp of pretend agreements with the posturing, powerless unions and entering the relatively fresh air of the courts. From here on in, no more concessions to civility should be expected from OILC!

The Employment Tribunal reconvenes in Aberdeen on the 16th through to the 20th of May inclusive, for the hearing on jurisdiction.

'Foreign' employment scam

OILC has produced a report on how TUPE has been used in the North Sea to avoid paying national insurance and to deny workers of their rights. The text is an introduction. The report can be read on their web site (see details below).

This report looks at how offshore employers are increasingly using the TUPE Regulations to "transfer" employees en masse to "foreign" employment. The process is little more than a scam, set up purposely by employers in Britain's offshore oil and gas industry to avoid paying Class 1 employers' National Insurance Contributions. The knock-on effects of this scam include those suffered by offshore workers, who can find themselves stripped of employment rights and entitlements. This comprehensive report considers every aspect of this reprehensible behaviour on the part of offshore employers.

OILC the trade union for offshore oil and gas workers, has accused offshore employers and their oil company clients of being "parasites".

The employers (17 contractors) have set up tax avoidance schemes with the purpose of escaping liability for employers' National Insurance Contributions (NICs) amounting to 12.8% (gross) of payroll. Some tens of

millions of pounds are being lost to the National Insurance Fund (NIF) in what OILC believes amounts to a scam.

Whose nicking the NICs?

Chancellor Brown's 2002 budget announced £90 billions more would be invested in the National Health Service. The source of this new money, he said, would be NICs, the very fund deliberately deprived of resources by the offshore employers.

That any employer should conspire not to pay NICs is reprehensible. That it is offshore employers is utterly unforgivable. No other industrial sector depends more on the National Health Service than this one. Since January 2000 the small community of 20,000 offshore workers has witnessed 10 colleagues die violently at work. Accident frequency rates show little signs of abating.

The major hazards to which these men and women are exposed are of such magnitude that major incidents are anticipated and must be prepared for. Such high levels of emergency preparedness consume significant health service resources. If anything, this industry should be made to pay a supplement, not escape contribution altogether.

Shell companies

To escape liability for employers' NICs an employer must cease to be a UK employer. This is achieved by dumping long-serving and loyal employees into the employ of "shell" companies in tax havens such as the Cayman Islands, Cyprus and Singapore. "Transferred" employees have been led to believe that their employment rights are protected by virtue of TUPE (the Transfer of Undertakings (Protection of Employment) Regulations). They were misled.

In Aberdeen, the location of the greatest concentration of offshore workers, Westminster MPs Doran, Savage and Begg seem unperturbed by the "transfer" of so many of their constituents to phoney "foreign" employment; they seem unconcerned by this attack on the National Insurance Fund; and appear to believe that this NICs avoidance scheme is an appropriate method of subsidising offshore employers and oil companies. We in OILC say that they are abrogating their responsibilities as constituency Mps.

Download "TPUE-highjacked: a story of betrayal" at:
www.oilc.org/docs/TUPEHi-Jacked2.pdf

The spectre of a 'No' vote on the constitution

The following is extracted from a longer article by Murray Smith. It is reproduced from the International Viewpoint website:

www.internationalviewpoint.org/index.php3

Any modest concessions, gestures or cosmetic changes that the government feels obliged to make, are closely linked to its growing anxiety over the coming referendum, fixed for May 29, on the projected European constitution. Over the last few months, polls have indicated steadily growing support for the "No" vote. Towards the end of March, for the first time, two separate polls actually showed majorities of 51 and 52 per cent respectively for the "No". This went up to 55 per cent in a poll made public on March 25. These indications have to be approached with some caution. In the first place, the polls also indicate that around half the electorate have either not decided to vote or have not yet decided which way they will vote.

Secondly the campaign for the "Yes" vote is only just getting under way. And it will be waged by the government, the media, business and financial circles and the Socialist Party with more material resources than the partisans of "No" will have. It is nevertheless possible that a combination of a spreading understanding of what is actually in the Constitution and a desire to deal another blow at the government could undo their plans. And that is what is worrying Chirac, Raffarin, and François Hollande.

Up to now, more clearly than at the time of the referendum on the Treaty of Maastricht in 1992, the campaign for the "No" has been clearly marked to the left. But there is also a "No" from the right. It comes from Jean-Marie Le Pen's National Front, from a minority of the governing UMP and from the right-wing Catholic "Movement for France" of Philippe de Villiers. For the moment they are not making the running, but the way the debate is being organised means that three out of the four parties who will have airtime to defend the "No" will be from the right and the far right, so they will probably become more vocal as the campaign develops.

From the left there will only be the Communist Party. The LCR and Lutte Ouvrière have been excluded as not representative enough. For the "Yes" there will be two parties of the right, the UMP and the UDF, as well as the Socialist Party and the Greens. It is possible that the substantial minorities in these parties who oppose the Constitution will be allowed



time to do so.

The campaign on the left is rapidly gathering speed. The Communist Party and the LCR both started campaigning early against the Constitution and are the main political forces in the rapidly proliferating collectives for a "No" from the left - of which there are now about 350 all over France. There are several currents within the Communist Party, and some are more committed to building a united front against the Constitution than others. But the leading group around National Secretary Marie-George Buffet is trying to limit the degree of collaboration with the radical left and in particular the LCR, so as not to prejudice future participation in a Socialist Party-led government. Therein lies a problem for the CP. The campaign against the Constitution has undoubtedly reinvigorated the party and helped it recover after its electoral disaster in 2002.

Divisions in the Socialist Party and Greens

But the fact that the campaign is being waged not only against Chirac and Raffarin but against the SP leadership will make it harder for the party leadership to justify going back into government with that same leadership. The global justice movement ATTAC and the Fondation Copernic, a kind of anti-neo-liberal think tank, are both actively involved in campaigning against the Constitution. And very significant divisions have appeared in the Socialist Party and the Greens. Last November an internal referendum in the Socialist party resulted in a 60-40 margin in favour of a "Yes" vote. That, François Hollande thought, was that. He was wrong.

From the beginning, some leaders of the SP left, like Jean-Luc Mélenchon, one of the leaders of the Nouveau Monde current, announced that they would not abide by party discipline and have campaigned actively along with the other forces opposed to the Constitution. They have now been joined by former national secretary Henri Emmanuelli - who has

nevertheless announced that he will not collaborate with the radical left. And Laurent Fabius, Socialist Party no 2, presidential hopeful and leader of the "No" campaign within the party, has been edging more and more clearly towards open opposition, taking strength from the growing "No" sentiment on the left.

Faced with the scale of the revolt, the Hollande leadership has periodically threatened disciplinary action but so far has backed down from taking any, giving an impression of indecision which is tending to further weaken its authority. On a smaller scale, the Greens, who took a "Yes" position by the narrow margin of 52-48, have the same problems as the Socialist Party.

Perhaps the most spectacular development was the position taken by the CGT. France's main union confederation has over the last decade, under general secretary Bernard Thibault and his predecessor Louis Viannet, been moving away from its traditional links with the Communist Party, towards "responsible", "non-political" unionism. And it has moved closer to the mainstream of the European TUC of which it is now part.

Thibault did not dare to try and get the CGT to adopt the ETUC position of support for the constitution. That would have been a bridge too far. His aim was for the confederation not to take a position. In a spectacular vote at the end of January, he was resoundingly disavowed by the National Confederal Council, the CGT's "parliament" between congresses, made up of representatives of industrial federations and regional unions. Representatives of both the CGT and Solidaires are participating in the "No from the left" collectives. And in spite of the ETUC leadership's intention of keeping the question of the Constitution out of the March 19th ETUC demonstration in Brussels, the strong presence of the CGT, with its "No" badges put it fairly and squarely at centre stage.

So a dynamic for a "No" from the left is clearly building up. On recent demonstrations, notably at Guéret and on March 10th, many if not most demonstrators wore "No" badges. This dynamic is entirely in line with the climate of opinion in France. Over the last ten years not only has social resistance remained at a relatively high level, but the climate of public opinion has increasingly expressed opposition to neo-liberalism. This is reflected in all sorts of opinion polls that regularly show people's

attachment to, for example, public services, and in the fact that movements like the one in 2003, and the current mobilisations, have been consistently supported by around two thirds of the population. Thus the more the Constitution is targeted as and identified as embodying neo-liberal values, the more the left "No" campaign gathers strength.

A looming crisis

Conversely, Hollande's attempts to argue for a "Yes from the left" and to keep his distance from Chirac have run into serious trouble. The constitution seeks to embody and set in stone the neo-liberal Europe that the EU is trying to build. It is the central project of the European ruling classes. It is supported by every one of the 25 governments, by the multinationals, by the leaders of industry and finance. The principal political parties, including social democracy, also support it. "Yes" to the constitution means "Yes" to neo-liberalism and militarism. There is in fact no such thing as a "Yes from the left".

But Hollande and the SP leadership have to pretend there is. So they cannot be seen to campaign alongside Chirac. Of course they had to vote with him when the joint meeting of the two houses of parliament approved the constitution at the end of February. But to run a joint campaign would be the kiss of death. So the SP is reduced to envisaging a joint campaign with the Greens in a situation where most of the rest of the Left, as well as minorities in both parties, are supporting the "No".

All of this adds up to a potential political crisis. That is why, in spite of Seillière's grumbling, Raffarin will not dare to launch any more major attacks until the referendum campaign is over. He may even be obliged to make some further at least token concessions with the aim of lowering the temperature and avoiding the nightmare scenario of a referendum campaign taking place against a background of continuing strikes and demonstrations.

A victory for the "No" in France would have wide-ranging effects. On a European level, it would deal a body blow to the projected Constitution and create an institutional crisis in the EU. It would be a formidable encouragement to all those who are resisting the neo-liberal offensive, not only in France, and indeed not only in Europe. Conscious of the danger of a French "No", EU leaders have agreed, oner reassured from Chirac, to re-examine the notorious Bolkestein directive on the liberalisation of public services - though not to withdraw it. In France a victory for the "No" would further discredit not only the already punch-drunk Raffarin but also Chirac, who will be increasingly obliged to

take centre stage in the campaign. It would unleash a crisis in the Socialist Party. The stakes are therefore high on both the European and the French levels. That is why the ruling class and its parties will pull out all the stops to avoid defeat. And why the partisans of a "No" from the left will be straining every muscle in the next two months to make their worst nightmares come true.

Victory over 'Bolkestein' or another tactical retreat?

The European TUC has announced that EU leaders have agreed to "fundamental revisions" of the Services Directive, known as the Bolkestein proposals after the commission responsible for them. This aims to liberalise public service: open them up to competition from private companies. The most controversial aspect of the Directive would allow companies present in other European countries to operate on the basis of laws in their "country of origin".

Also declaring victory was French President Jacques Chirac. Faced with the threat of a 'no' vote in the referendum on the European constitution, Chirac suddenly became an opponent of the "country of origin" principle. He denounced this as "ultra-liberalism, the new communism".

In fact, the EU Commission has made a tactical retreat to assist Chirac by deciding to "re-draft" the Services Directive. If this assists in securing a 'yes' vote in the French referendum, the Commission would surely return with an amended version which would still threaten public services.

However, a 'no' vote in France would be a big blow against the deepening of the neo-liberal agenda in Europe.

There have been mixed messages from New Labour on the question of a referendum in Britain. Blair initially said that he would hold a referendum whatever the result in France. However, other government Ministers have questioned whether or not this would be the case.

One thing we can be sure of, the neo-liberal politicians in Europe will not abandon their agenda even if the French referendum marks a blow against it. They will have to regroup and consider anew their tactics.

Whatever the outcome trades unionists in Britain need to prepare for the eventually of a referendum in Britain, and to develop a working class campaign to challenge the nationalist agenda of little Englanders opposed to 'Euro-Federalism'.

EU Constitution at a Glance

The power to privatise - Article 111-147 gives the EU powers to enforce privatisation in any area of economic activity: "A European framework law shall establish the measures in order to achieve the liberalisation of a specific service."

A threat to public services - Article 1-15 gives the EU new powers to 'co-ordinate' economic, employment and social policies. **Article 111-210** lists the almost unlimited areas of social policy where the EU will have the right to 'support and complement' the activities of member states.

Un elected in charge - Article 1-26 confirms the sole right of the unelected European Commission to draw up new laws and **Article 111-188** orders member states "not to seek to influence the...European Central Bank", the unelected body that decides economic policy for the eurozone.

Anti-union laws to remain - Article 11-88 states that workers have rights to collective bargaining and to take strike action only "in accordance with national laws and practices".

Threat to civil liberties - Article 11-112 allows "limitations" of basic human rights "if they are necessary and genuinely meet objectives of general interest recognised by the Union". **Article 11-114** forbids any political campaigning to reverse any aspects of the Charter of Fundamental Rights.

Militarisation - Article 1-15 states: "Member states shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity."

Big brother - Article 111-276 gives the EU the right to extend the "structure, operation, field of action and tasks" of its police force, whose agents, like other EU officials, enjoy immunity from criminal prosecution.

Death penalty - Article 1-62 says no-one shall be condemned to the 'death penalty. However, article "Explanations" allows the death penalty "In respect of acts committed in time of war or of imminent threat of war".

From "Trades Unionists Say No to the European Constitution."

Visit the web site www.tuaeuc.org.uk

Introduction by **Bob Crow, Joe Marino, Doug Nicholls**

"It's our union and we will take it back"

The reintroduction of capitalism in China, under the cloak of 'market socialism' has made the country a magnet for foreign capital. Given the nature of the dictatorial regime and the lack of independent workers' organisations, foreign capital is making the most of a cheap labour force.



Han Dongfang, editor of China Labour Bulletin examines the prospects of 'reclaiming the ACFTU'.

China Labour Bulletin has been trying over the past couple of years to explore ways in which we can help Chinese workers to begin reclaiming the ACFTU from

below. Raising the slogan "It's our union and we want it back," we have begun to develop several new initiatives in this direction. The most important of these is that Chinese workers should begin using the right accorded to them under the PRC Trade Union Law as affirmed by the ACFTU at its last annual congress to create, through a process of democratic election, trade union branches in factories and enterprises where none currently exist. The law requires that they then register such union branches with the ACFTU, but while certainly problematic, this of itself need not be an insuperable obstacle to real union work and activity.

Getting involved in workers' struggles

The key, as we see it, is to target factories and enterprises where the workers are already engaged in some form of struggle with management whether over unpaid wages (workers are currently owed tens of billions of US dollars), over unfair and exploitative contracts (or no contracts at all: another widespread complaint), or over official corruption in the State Owned Enterprise 'restructuring' process (in the third and final stage of SOE reform up to 190,000 factories will be privatised or made bankrupt, threatening tens of millions of workers.) Over the past two years, China Labour Bulletin's main aim has been to get actively involved in Chinese workers' struggles like these.

We began with individual workers' cases. In one such case, involving a rural couple whose son had died from an occupational illness contracted while working in a Japanese-invested stone-milling factory, we hired a lawyer to help the couple sue the factory for compensation, so far unsuccessfully. But we managed to get one of China's main legal affairs magazines to run a long feature article on the case. We'll be using this article to publicise the case in Japan, with the help of the Japanese trade unions, in an effort to put pressure on the owner company to settle the bereaved parents' compensation claim.

From there we moved on to tackling collective workers' dispute cases, for example, the case of the Suizhou City

Tieshu Textiles Factory, where several thousand workers had been protesting for over a year against a bankruptcy arrangement that left them without any redundancy money or pension entitlements. In February this year, the workers staged a mass blockade of the local railway line for several hours and around ten of them were then arrested and charged with disturbing public order.

Labour solidarity

China Labour Bulletin decided that, as a concrete act of labour solidarity, we would find and pay for criminal defence lawyers to represent them in court. We secured the services of a top law firm in Beijing, and the effect was salutary: within days of the lawyers' arrival in Suizhou, the local police had released and dropped charges against most of the detained workers. Instead of the several-year sentences they could otherwise have expected, in the event only one of the workers received a one year prison sentence. We then refocused the case back on to the workers' original demands, by helping them mount a collective civil lawsuit against the local Bureau of Labour for failing to ensure that the factory had paid the workers' pension contributions as required by law.

In another recent collective case that China Labour Bulletin has worked closely on, in April this year ten young workers from shoe factories owned by the Taiwan company, Stella International, were arrested and charged with 'assembling a crowd to disturb public order,' following mass protests over low pay, excessive overtime hours and poor canteen food in the company's Xing Ang and Xing Xiong factories in Dongguan City in southern China. The protests had turned rowdy, and some US\$150,000 worth of company property was allegedly damaged and some managers assaulted. Although this was not a clean-cut freedom of association case, we decided to take it on because it nonetheless typified the kinds of problems facing Chinese workers in the private sector today: when no proper channels of complaint or grievance resolution are provided (let alone an actual union), tensions among workers often build to uncontrollable levels. And again, the detained workers deserved the best legal defence that could be found. In the event, another top law firm in Beijing agreed to defend six of the workers (we were unable to contact the families of the other four) and much to our surprise, on a pro bono basis. In their defence statements to the court, the lawyers were able to demonstrate that the prosecution had produced no actual evidence linking any of the six defendants to any acts of violence or other criminal wrongdoing.

Attempts at independent organisation have been ruthlessly suppressed. But this does not mean that workers have stopped organising. Faced with pauperisation by the wholesale closure of state owned enterprises (SOEs) there has been over the past couple of years a wave of struggles and demonstrations, centred around the right to compensation and social security.

The cost of reintroducing capitalism has been enormous. An estimated 90 million people have been forced to travel to the cities where foreign capital has invested, in order to earn enough to live, and to send back to their villages to help their families to survive.

The cost has been born not only in super-exploitation but in lives as well. Health and safety is not a high consideration in this rush for growth. In the mining industry where there have been some prominent tragedies, more than 6,000 people died in 2004 alone.

We publish here three articles from China. The first is by Han Dongfang, a leader of a previous attempt to build independent unions, who managed to escape to Hong Kong. There he is a leader of China Labour Bulletin (a source of reliable information on what is happening in Mainland China) which campaigns in support of Chinese workers.

We do not believe that there is any prospect of "reclaiming" the ACFTU which is a creature of the CCP. However, in the conditions which exist in China, we can well understand that workers will test out the prospects of using the ACFTU and China's employment laws, at least until such time as independent unions can be built and operate without the levels of repression which previous attempts have suffered.

The second piece is an interview with Tim Pringle an English trades unionist who works in Hong Kong for the Chinese language publication, Globalisation Monitor.

The third is a report from CLB on a significant strike for the right to form a union.

A milestone in labour history

Even more important, they turned the focus of the case back on to the workers' original grievances, in effect putting Stella International firmly in the dock instead of the workers. To this extent, the court case against the Stella Ten was a milestone event in modern China's legal and labour movement history. To our knowledge, pro-worker and union rights' sentiments like the following, spoken by the defence lawyer Gao Zhisheng, have never before been expressed in a Chinese court of law:

"Having an effective institutional channel of communication between workers and company is the basic systematic safeguard and guarantee for stable labour relations, for safety in the workplace, and also for peace and stability in society as a whole. In China, however, this fact has been openly neglected and disregarded throughout the past half-century and more. The Xing Ang Shoe Factory is a large enterprise employing several thousand workers, but it does not even have a trade union branch (in China, of course, there is little difference in terms of workers' rights protection whether or not a trade union organisation is present - HD). Meanwhile, the almost complete scarcity of any judicial protections for workers' rights and interests leaves Chinese workers without any defence against the predations of their employers, such that so long as they have a breath left in their bodies they will endure almost any indignity and injustice, simply to survive. The pathological greed for profits on the part of the factory owners, together with the absolute protection afforded to corrupt capitalists by our judicial system - these, and these alone, are the real main reasons why this [protest] incident erupted in the first place."

So while continuing to pursue our original Case Intervention strategy, in certain promising cases China Labour Bulletin is now adding on a factory-level union organising component as well, both as a way of promoting the workers' existing demands and as a way of creating a long-term organisational means of safeguarding their rights in the future.

As we see it, there is a world of difference between a union branch set up by workers who are already engaged in workplace struggles and campaigns such as these, and which is consciously and democratically formed for the purpose of opening collective bargaining with management over the specific issues concerned, and a situation whereby the ACFTU parachutes into a factory a local official or two and imposes a union branch on the passive workforce, simply in order to boost its statistics on the rate of local unionisation in the private sector. In the former, the workers have a direct motivation and reason to

create their own union and hence will have a sense of genuine ownership over it. They will also be much more psychologically ready and prepared to defend it against subsequent (and probably inevitable) efforts by the ACFTU to reassert hierarchical controls and conformity with the Party line. In the latter situation, the workers will at best remain, as is now generally the case, quite indifferent towards the new union presence.

Enforcer of labour discipline

If enough Chinese workers in enough factories can be persuaded to try this approach, the ACFTU could over an undoubtedly long period of time begin to assume a significantly different overall character and role than its present one of acting as the Party's enforcer of labour discipline.

A couple of key points, however, need to be emphasised here. First, it is one thing to support and encourage Chinese workers themselves to gradually repossess the ACFTU, and quite another thing to be calling for the international labour movement to "constructively engage" with the ACFTU at senior levels. The one by no means follows from the other and still less does the former serve to validate or endorse the latter. Indeed, to the extent that this new strategy begins to succeed, trades unionists elsewhere in the world will finally discover that there are valid alternative partner groups of workers in China with whom they can pursue meaningful union to union contacts over issues ranging from health and safety to workers' education and grassroots' organising work.

To be sure, thanks to the continuing legal ban on genuine trade union organising in China, the ACFTU will still be "the only game in town." But talking to worker representatives from democratically elected grassroots branches would clearly be a far more attractive and effective way of demonstrating international labour solidarity than talking to government-appointed officials at ACFTU headquarters.

Trade Union Law

Second, necessity has very much been the mother of invention in this new strategy of repossessing the ACFTU from below. On the one hand, mainland Chinese law criminalises and harshly suppresses any attempts at independent union organising, and China Labour Bulletin has long since recognised that the 'underground organising' route is completely unviable, at least for the foreseeable future in China. The personal cost of arrest and long-term imprisonment is simply too high for Chinese worker activists and their families to be willing or able to pay, nor should the international labour movement expect them to do so.

On the other hand, China's own Trade Union Law contains, on the face of it at least, a very wide range of legal protections for workers who seek to organise strictly within the confines of the ACFTU. They are legally guaranteed, for example, an extension of their existing labour contract to cover their entire period as a union office-holder; they cannot be sacked, except if the employer pays them two whole years' worth of salary as compensation; and the law also expressly forbids any individual or organisation from seeking to prevent or obstruct workers from organising trade union branches at the factory level. Couple all this with the ACFTU's own stated drive to greatly increase the extent of unionisation within the private sector over the coming years - witness its recent head-to-head conflict with Wal-Mart over the retail giant's refusal to allow ACFTU branches to be created in its China factories and stores - and take into consideration the Guangdong regulations which specifically permit 10 or more individual workers to initiate the process of establishing a union branch in workplaces that don't have one, and you surely have a situation that is crying out to be exploited by genuine worker activists.

Even given all these emerging new opportunities and potential organising space, it would be naïve to expect that the Chinese authorities, including the leadership of the ACFTU, will not seek to restrict and curtail the kind of bottom upwards strategy of 'union repossession' by genuine worker activists outlined above. The arrest in early November 2004 of more than twenty workers who had helped organise an unprecedented, seven-week-long strike by almost 7,000 textile workers in the north-central Chinese city of Xianyang, and who were in the process of trying to organise union elections in all eight of the factory's different workshops just prior to the police crackdown that ended their magnificent strike action, is a clear case in point. And it's in cases like these, above all, that the international labour movement should seek to demonstrate the principle of labour solidarity with Chinese workers, by giving its full support to the grassroots democratic union-organising movement; by providing both moral and financial assistance to the families of workers who get arrested simply for trying to put into practice the Trade Union Law's provisions on founding factory-level unions through direct elections; and by making sure they don't undercut these grassroots efforts by holding ill-advised summit meetings with the ACFTU leadership that can turn into photo opportunities for the Chinese government. It's our union. And we will take it back.

Visit **China Labour Bulletin** at:

www.china-labour.org.hk/iso/

"Fostering class consciousness and solidarity within China itself"

Tim Pringle lives in Hong Kong. He is a member of the editorial board of the Chinese-language magazine

Globalization Monitor. The magazine covers issues of globalization as they affect workers in Asia in general and Chinese workers in particular.

A British union activist, he was active in various workplaces, mostly in the Bakers, Food and Allied Workers Union in the late 1980s, where he was a branch secretary in Halifax. Tim learned to speak Chinese during a spell of unemployment, and "ended up in Hong Kong after I left work in the UK and basically moved to Asia on the nod really, trying to change my life I suppose. I was asked to work for an organization called China Labor Bulletin, which works at promoting independent trade unionism in mainland China."

The interview with **SOLIDARITY** below was carried out by email.

You work for Globalisation Monitor, a Chinese language magazine. Perhaps you could explain to our readers the aims of the magazine and the work it does?

Globalisation Monitor was set up in 1999 in order to take part in the growing critique of globalisation in Chinese. When we were primarily a hard copy of publication, we had a pool of writers who would submit articles that were then collectively discussed and edited. We now have a website as well and articles come from a broader pool of writers and are often reprinted from other journals.

Our work over the past few years has mainly focussed on bringing Hong Kong's discussion on globalisation out of the academic ivory towers and into the public domain, specifically the working class domain. We have been one of the main resource groups for the Hong Kong Confederation of Trade Unions and have frequently conducted education meetings with HKCTU affiliates.

As part of GM's work aimed at the WTO's sixth ministerial meeting in Hong Kong later this year, we have focussed on local educational work on WTO issues such as agriculture, trades and services etc. We are attempting to use the experience gained over the past few years to distill a broad critical analysis of WTO policies into a format that is accessible to working people as well as demonstrate how the WTO

affects the lives workers even in the 'freest economy in the world'.

The ACFTU, the official 'union' has over 100 million members. It has, of course, been a 'transmission' belt for the CCP. Do you think that it is possible for Chinese workers to 'reclaim' it?

Well I hope this doesn't sound like splitting semantic hairs, but at some point you have to have owned and controlled something prior to reclaiming it. My understanding of modern Chinese history suggests that the Chinese working class have never controlled the ACFTU.

This is not to say that before liberation in 1949 the CCP's union organisers didn't carry out some brave and at times successful struggles in the factories and mines, especially prior to 1927 and the Shanghai Massacre which devastated the labour movement. The CCP's consequent policy shift to a rural base meant that the trade union movement was more or less sidelined in favour of the new policy.

Even during the initial years of the CCP's rule, the ACFTU was hardly carving out a reputation for militancy although the overall situation back then was complex to say the least. As early as 1950, some senior party officials were sounding alarm bells that the ACFTU's passivity was a cause for concern. One investigation found that miners in one area greeted the dismissal of the union chairman "were as joyful as if they had learned of the liberation of Taiwan or a raise in wages".

A strategy worth exploring

So not a huge amount to reclaim historically speaking. However, as a strategy for building up union and class consciousness 'reclaiming'- let me really be pedantic and use 'claiming'- the ACFTU is a strategy worth exploring.

Despite its constitutional subservience to the CCP, the ACFTU has both progressive and conservative factions. Increased worker activity from the shop floor upwards can only give confidence to the progressives who wish to make the organisation more proactive in defending workers rights. In fact, one of the main struggles in the ACFTU conference halls at present is the question of legislation protecting the right to strike which Chinese workers do not enjoy.

Essentially, the question is not whether workers can or can't claim the organisation. Rather, to what degree can the activity of organising within China's trade union law develop class and union solidarity and the confidence to act that arises from these values. Worker militancy either by organising within the ACFTU or indeed outside it will, at some point, persuade the government to lift restrictions on union organising and genuine collective bargaining.

And of course, there is the point that organising within the law even if it is painfully slow is considerably safer for workers' representatives and leaders. To date, attempts to go beyond almost always end up in arrests and imprisonment of leaders and dissipation of the action they led. Such oppression generally does nothing for collective working class confidence.

But at the end of the day, it is not up to outsiders but the workers themselves to make the strategic and tactical decisions. Our role is to support them and, where possible to engage in discussions and solidarity action.

The ACFTU is threatening a 'black list' for the international companies such as Walmart if they don't allow unions. Do you think this reflects pressure on the ACFTU to prove it can behave like a union, that workers tend to ignore it?

Despite its huge paper membership, the ACFTU has little actual power on the shop floor and what influence it does have comes from its administrative connections to the Party and government in general and its participation in law-drafting in particular.

The government is certainly pressuring the ACFTU to be more effective in labour relations and heading off wild cat strikes, so in a sense this pressure on the organisation is coming from the workers and their steadily increasing confidence and militancy helped recently by labour shortages of skilled labour in some areas. The ACFTU's moves against Wal-Mart and all should be seen at least partly in the light of this pressure.

Most but by no means all Chinese workers I have met do not consider the ACFTU at all. They don't necessarily ignore it; it is just not seen as acting in their interests. In State Owned Enterprises

the organisation often is seen as a welfare branch of management. In private enterprises, where young migrant workers often work and there's very little welfare to speak of, it is simply seen as part of management. And that's if it exists at all in such factories. With rare exceptions, workers are not pressuring it to behave more like a union because they have no confidence it can.

But the exceptions, as we have discussed, are probably going to become more important as some groups of workers choose to try and use their membership of the ACFTU via the removal of a branch chairperson and election of a new one as the Trade Union Law permits. Recently, during an important six week strike in north China, strikers attempted to establish an ACFTU branch and elect their own officials. However, the ACFTU rejected the attempts and up to 20 workers are in detention.

In comparison, the recent events around Wal-Mart should be seen as top down rather than pressure from the shop floor upwards. I think the whole issue will become far more relevant when, and if, a group of workers in a Wal-Mart factory march in to management offices and demand: "we want a union and you're breaking the law if you stop us". The next step will be dealing with the ACFTU bureaucracy and its predilection for top-down 'organising'.

The results of the extension of the 'socialist market' (the growth of capitalism) has created a wave of struggles by Chinese workers against the dire consequences. However, independent organisation has been ruthlessly crushed in the past. Are there any signs of new independent organisation?

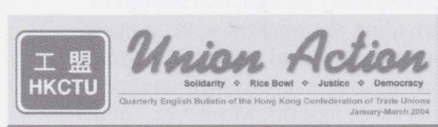
There are examples of independent organising but none of an independent organisation. "Linking up" *chuan lian* with workers in another town or city is one of the most politically risky things labour organisers can do. This is why solidarity for workers in dispute from the international trade union movement is so important. Especially from workers employed by TNCs that also operate in China.

Can you tell us something about the work of the Hong Kong Confederation of Trades Unions and its attitude to work in the rest of China?

Although the HKCTU has over 130,000 members its strength in the workplace is hampered by the fact there are no laws forcing employers to engage in collective bargaining.

HKCTU played a leading role in the struggle against proposed draconian security legislation called Article 23 and helped forced the government to drop it after a huge march of over half a million people in July 2003. The movement against A23 has since matured into a more general struggle for universal suffrage. The former British colonial government did not deem Hong Kong as 'ready' for the right to vote and the Beijing government fearing a democratic Hong Kong will have consequences for its rule on the mainland has adopted a similar stance.

The HKCTU also has three directly-elected representatives in Legco, HK's partly elected parliament.



Outside of the struggle for political rights, the organisation's main focus since 1997 has been to concentrate on the struggle for a minimum wage, limits on working hours the eight hour day remains a real issue here and collective bargaining rights.

Given the growing importance of China in the global economy, the influx of foreign capital, international solidarity with Chinese workers is going to become more and more important. What advice would you give to trades unionists in Britain who want to develop some serious work. Is it possible to develop direct links given the language problem and state repression?

Key question

This is the key question. While there is more room to manoeuvre on labour issues than there was five or ten years ago, we are still looking at a political environment that makes effective solidarity a real challenge. I think there are a number of different ways we can go at it.

By trying to use the presence of foreign capital in China to our side's advantage. By making use of British TNCs operating in China where trade unions have an effective organised presence, we can begin pressure management to allow access to the plants in China and even attempt plant-to-plant exchange that keeps government, officials and management on both sides at arm's length. In practice, the official nature of the ACFTU if it has a presence in a plant can make this a complex operation and I would recommend that such an initiative is conducted with the assistance of either a group like Globalisation Monitor or the Hong Kong Liaison Office of the ICFTU (known as IHLO) which works very closely with the HKCTU. Hong Kong

groups can provide assistance with translators and pass on past experiences.

By tracking strikes in China through various websites devoted to Chinese labour issues and where appropriate providing support for workers in struggle. Exactly how depends on the nature of the strike, the state of negotiations (if any) and the reaction of the local authorities etc. If there are arrests, a swift reaction - letters to the authorities, financial help to relatives (pending security concerns) and for lawyers where possible - from trade unions outside China can have a real effect. The recent release of seven workers detained after a strike in a factory in South China is a case in point. I would stress that such solidarity is more effective when conducted with labour groups based in Hong Kong such as Globalisation Monitor, IHLO or the China Labour Bulletin.

Class perspective

By addressing the issue of outsourcing to China and other low cost countries from a class perspective rather than a nationalist one. Of course this is easy to say when you're not the one who is about to have the job you've been doing for the last 20 years shipped out to a non-union plant in China or India. But I think the way to stop this is - apart from fighting outsourcing in UK factories is not by petitioning our government to slap tariffs on Chinese exports, devalue the Chinese yuan or engage in more general China-bashing, but rather to explore ways of fostering class consciousness and solidarity within China itself. This is long-term stuff but we have to start sometime.

Prisoner campaigns. Identify a local partner in Hong Kong or the ICFTU's human and trade union rights office or Amnesty International and launch a prisoner campaign. This could be demanding release, or access to medical care or fair treatment, lawyer fees etc.

Internet sources on China

www.hkctu.org.hk/english/e_main.html
Hong Kong Confederation of Trades Unions

www.amrc.org.hk/about.htm
Hong Kong based campaigning and research organisation

www.chinalaborwatch.org/
US based group campaigning in defence of labour rights in China

www.chinastudygroup.org/index.php?action=front
Academic site but full of up to date information

Chinese workers strike for right to form union

China Labour Bulletin reports on a significant strike for the right to form a union, in a supplier for Wal-mart.

Over 10,000 workers of the Japanese-invested Uniden Electronics factory in Fuyong Town, Shenzhen, have been staging a massive strike action since 17 April 2005 in an effort to win the right to set up their own trade union in the factory. To China Labour Bulletin's knowledge, this is the first time Chinese workers have ever staged a strike specifically in order to form a trade union.

On 20 April, large numbers of riot police sealed off the factory entrance to prevent the protesting workers, mostly women, from marching out of the factory, apparently reflecting official fear their strike action could trigger anti-Japanese protests elsewhere in the city. According to media reports, this is the fourth or fifth such strike to have occurred at the factory since it was first opened in 1987.

The workers are staging the strike in protest against the Uniden management's refusal to allow them to establish a trade union branch, and they have vowed to continue the strike until the company accedes to this demand. According to a message posted on a mainland online bulletin board, the strike began after managers at the Japanese cordless phone making firm, which supplies in large quantity to the giant American retailer Wal-Mart, recently issued and distributed a statement to the Chinese workforce containing "threatening and insulting language."

Protest strike

In December 2004, following reports that a Japanese supervisor had beaten up several workers at the Uniden factory, several thousand workers there staged a similar strike protest. At that time, the workers sent a collective petition to the factory management listing a total of fifteen demands. Among them: 1) that workers should be allowed to set up a trade union at the factory, as agreed to by Uniden management in the year 2000; 2) that 60 percent of normal wages should be paid during sick leave and maternity leave (currently, the workers receive no pay at these times, indeed they reportedly have to pay the company "living allowance" fines); 3) in accordance with China's Labour Law, workers with ten or more years of seniority should be offered permanent contracts and no arbitrary dismissals should take place;

and 4) that the quality of meals and the water supply in the workers' hostel should be improved.

After the December 2004 strike, Uniden management promised to raise the workers' salaries and said it would permit the workers to set up a trade union. But according to another message posted on the online bulletin board, a new Japanese manager was appointed at the factory shortly thereafter, and he proceeded to break all the company's promises. Several workers who had led the strike were subsequently sacked, and instead of providing the workers with one year contracts as it had agreed, the company downgraded many of their contracts to only three months. Moreover, Uniden's promise to let the workers form their own trade union was withdrawn without explanation. The one positive outcome of the December strike - the workers' wages were raised to the Shenzhen legal minimum of around 480 Yuan per month - was quickly undermined by management demands that new and excessively long periods of overtime be worked.

Sorry It's the Law!

The Uniden workers' demand to be allowed to set up a trade union at the factory is fully in accordance with China's existing laws. In fact, Article 10 of the PRC Trade Union Law positively requires that a union branch be set up in any workplace employing twenty-five or more workers. In addition, shortly before Wal-Mart's announcement last winter that it would finally allow trade unions to be established in its stores in China, following weeks of high profile criticism by mainland authorities against multinational companies for resisting any such moves, the Guangdong Provincial People's Congress passed a local law, the "Implementing Regulations for the Trade Union Law", which gave further teeth to the existing legislation in this area.

According to Article 5 of the new regulations, which came into force on 1 November 2004, any ten or more workers employed at factories in Guangdong Province that currently have no official trade union branch are now accorded the legal right to begin the process of establishing a trade union on their own.

Since the Uniden workers' demand to be allowed set up a trade union at the factory is fully protected by Chinese law, China Labour Bulletin calls upon the Shenzhen government to refrain from taking any

form of police action or other repressive measures against the thousands of workers currently staging a mass sit-in occupation of the factory premises. The police blockade of the factory should be lifted forthwith, and both the local authorities and the All China Federation of Trade Unions (ACFTU) should send representatives to actively negotiate with the Uniden management on the striking workers' behalf.

In a similarly large-scale workers' protest action at the Xianyang Huarun Textile Factory in Xianyang city, Shaanxi Province, in September and October last year, about 7,000 workers, mostly women, staged a seven week-long strike against the management's attempts to impose unfair new labour contracts. In the final days of the strike, more than twenty of the workers' leaders were arrested by the police after the local authorities learned that they were about to elect a factory-level trade union and attempt to register it with the official trade union body, the ACFTU.

Apparently in response to a softening of central government policy on the handling of "sudden incidents" in society, as conveyed to the Shaanxi police force by the Minister of Public Security around the same time, the local authorities eventually freed all of the worker detainees.

In the case of the strike action now underway at the Uniden factory, the Shenzhen government should take all possible steps to avoid the kind of confrontation and repression that occurred in Xianyang last October. "The Shenzhen authorities have a golden opportunity to respond to the Uniden workers' legitimate desire to found a trade union in an enlightened and constructive manner," said Han Dongfang, CLB's director. "The law entitles Chinese workers to form trade unions, and the law must be respected."

Official statistics - 6,000 mine deaths

A total of 6,027 miners were killed in 3,639 coalmine accidents in 2004, according to latest government statistics. The Chinese government, moving in to top gear, "aims to reduce fatal accidents by three per cent this year"! Government statistics do not tell the whole story as many deaths are covered up.

Two major disasters claimed more than 200 miners' lives in October and November alone.

A 'surgical scalpel' not a butcher's knife

John Reiman, a carpenter activist victimised by the UBC bureaucracy, has written in response to an article in our last issue.

In the January-March (2005) issue of "Solidarity", Johnson and Kutalik reported on the former New Unity Partnership, a coalition of union presidents here in the United States. Since their writing, the NUP has been dissolved, but the issues involved still remain. Johnson & Kutalik make some valid points about the NUP, including its plans for centralization, but I think that they miss the main point.

Defeated Strikes

Over the last 30 years, there have been some major strikes here in the US. These included the two Greyhound strikes, PATCO (air traffic controllers), the Eastern airlines strike, Caterpillar, Staley, etc. Every one of these strikes was defeated. Even the much celebrated UPS strike of some years back was at best a draw, not an outright victory.

At the same time as these major strikes were defeated, we saw increasing numbers of companies shift production to low wage areas of the world.

These two developments caused the labor leadership to conclude that it is not possible to win strikes and that, in any case, it's necessary to form a partnership with management in order to help them compete. This means that unionized workers in the US must compete with workers elsewhere for who will work cheaper. The union leadership accepts that cuts are necessary, with the only conflict being over how much and how fast.

In one famous statement, an official of the grocery store clerks' union (UFCW) here in this area complained that the stores wanted to cut into the workers' benefits with a butcher knife while he, the union official, felt that a "surgical scalpel" was more appropriate!

In cases where a union leadership is absolutely forced into open conflict with management during collective bargaining, then strikes are the most tame of affairs. No serious attempt is made to actually shut down production. The strikes are really protests rather than a struggle for (at least temporary) power over production.

When union members get involved in their union in order to make the union really fight for the members, they are discouraged in a thousand different ways,

some little, some huge. This ranges from being told that "there is nothing that can be done about it" to repeating threats over job loss (with no strategy to counter this put forward) to outright collaboration with the boss to get workers fired and/or run out of the industry.

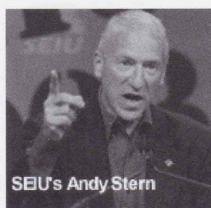
These are the real issues facing the labor movement and its membership here in the US. There is no current within the official leadership that poses a real fight-back against these attacks of global capitalism. There is no current which proposes that the unions must return to the methods of the 1930s; the mass picket lines, work-site occupations and mass open defiance of the law. There is no current which proposes that labor must mobilize its members through these tactics to reverse the attacks and actually take back what's been lost over the recent decades.

Organizing

SEIU Stronger Together

As far as the former NUP's argument about spending more money on organizing, we should remember that this is not totally new. This was exactly the call of John Sweeney when he ran against Kirkland for AFL-CIO president 8 years back.. And he did put significantly increased resources into organizing. The problem was that his administration continued with the same timid, conservative approach to organizing, the same approach of sticking strictly to the official, legal channels. This approach was a failure, even during years of near-record low unemployment when it should have been far easier to organize. As a result, a drive began amongst some of the tops of the union hierarchy to spend the money more "effectively" on getting Democrats elected. There is no reason to believe that the increased resources that the NUP wishes to put into organizing will be any more effective.

As far as the issue of increased centralization we in the Carpenters Union have already experienced this. What the NUP proposes organizationally has already been carried out by one of its members, Doug McCarron, Carpenters General President. This reorganization, combined with a massive hiring of field "organizers" has lead to a massive increased power for an appointed staff over the rank and file, and this power is used to depress wages



SEIU's Andy Stern

and working conditions. In no significant way has it meant an increase in actually organizing the unorganized.

Crimes of Corporate America

Finally, it should be noted that the NUP took no note whatsoever of the participation of Sweeney and other tops of the AFL-CIO in the international crimes of Corporate America. Sweeney, himself, has associated himself with the Project for a New American Century (one of the main far right think tanks for the neo-conservatives). This has been totally ignored by Stern and the rest of the former NUP heads. The same holds true for the AFL-CIO's association with the US State Department in Latin America and support for the brutal policies of the State of Israel. In other words, the degree to which Sweeney & Co. betray the interests of workers at home is magnified many times over when it crosses the US border.

These are really the main issues that rank and file trade union members confront here at home as far as their unions are concerned. Unfortunately, there is no reason to believe that the NUP nor any of its former members stood for anything significantly different. Any serious discussion of the former NUP and/or its members would have to deal with these issues.

SOLIDARITY web site page on US union crisis

The **SOLIDARITY** web site now has a page on the debate raging within the US unions on how to overcome the continuing decline in union density.

It includes a link to a pamphlet by John Reiman which looks in particular at the business unionism of the United Brotherhood of Carpenters, led by George Bush's favourite union leader Doug McCarron.

It also includes a link to **Labor Notes** and links to a large number of contributions in the debate.

Visit our web site at:

[Http://uk.geocities.com/solidarity_magazine/usuniondebate.htm](http://uk.geocities.com/solidarity_magazine/usuniondebate.htm)

Network Rail national ballot over Regional privatisation?

If Network Rail proceeds to transfer staff to the private sector it faces the prospect of a national ballot for strike action by the RMT.

The warning follows news that plans are being advanced to transfer Merseyside rail infrastructure and maintenance operations on a 125-year lease to Merseytravel, which intends to sub-lease the assets and work to the private sector.

"If this goes ahead it means the compulsory transfer of our members into the private sector, many of whom have only recently been transferred back in-house," RMT General Secretary Bob Crow said.

"This has serious implications not only for those immediately transferred, but for all our 14,000 Network Rail members, their safety, the security of their jobs, pay, conditions and pensions and their promotion and transfer arrangements."

"The proposed Merseyrail transfer is the thin end of a very large wedge that threatens to hand responsibility for all signalling operations and maintenance back to the private sector.

I have already made it clear to Network Rail that RMT is totally opposed to the flawed concept of 'local vertical integration' of infrastructure and train operations, because it means further destructive fragmentation of the national railway network. The way to achieve vertical integration of the whole network is to allow Network Rail to take control of rail operations.

I will now be seeking assurances from Network Rail on the security of our members' jobs, pay, conditions, pensions and promotion and transfer arrangements.

If those assurances are not forthcoming by the time of the RMT annual conference in the last week in June, I will be recommending to delegates that they endorse a ballot of all our Network Rail members for strike action.

We should remember that the private sector was kicked off rail maintenance for safety and efficiency reasons, and it beggars belief that the government should start reversing that process before it is even completed.

I am seeking an urgent meeting with Derek Twigg, the new under-secretary of state for railways, and the union is also writing to all Merseyside MPs pointing out the dangers of further fragmentation of the rail network, and the serious folly involved in effectively transferring responsibility for railway maintenance to local council taxpayers," Bob Crow said.

Postal privatisation and 'liberalisation'

Reports of Post Office plans for an employee buy-out, with shares held in trust for workers, have been widely reported. Senior ministers, including Alan Johnson, former head of CWU, now Trade and Industry Secretary, are said to have been supportive of the scheme of Royal Mail board chairman Allan Leighton, despite the manifesto pledge that the government wanted the group returned to good health in public ownership.

Sources at the Department of Trade and Industry said no level of privatisation was on the table, nor had any formal proposals been put to the government.

Leighton wants to be able to borrow £2bn to invest in modernisation to take on rival postal groups such as Deutsche Post and TNT, which will be allowed to compete fully with Royal Mail from January.

Responding to these reports, deputy general-secretary of the Communication Workers Union, Dave Ward said that the union would fight any plan to privatise or part-privatise the state-owned group.

Ward said that as Labour's manifesto stated there were no privatisation plans, the union would raise the question of Tony Blair's trustworthiness if the Government altered its position. "We will oppose this completely. If they press ahead with this it will become one of the big political issues of this term."

Ward indicated there would be very strong opposition among the 160,000 Royal Mail members. Strikes "would be certain" due to a resolution passed by CWU members at their annual conference to oppose privatisation through 'any means necessary'. Ward said: "Make no mistake, this is an issue of trust."

Whilst such a commitment is welcome there is another parallel problem, liberalisation, which the CWU has failed to challenge. Following Postcomm's decision to open up Britain's entire postal service to competition on January 1st of next year, 15 months earlier than planned, Billy Hayes complained that:

"The Dutch and German post offices in particular must be rubbing their hands in glee at this ill-advised and regrettable decision. At a stroke they are being allowed the opportunity to compete head on with Royal Mail while still enjoying the benefit of strong protection in their home market."

"We all know and accept that postal liberalisation is coming (our emphasis) but the CWU cannot understand why a British regulator seems so determined to place the nation's postal service at a competitive disadvantage to rivals that will not be subject to the same challenge in their home markets. Dave Ward complained that

"...the regulator has decided to move in a way which is completely out of step with the carefully managed approach set out in the European legislation which took into consideration the danger of a headlong rush to de-regulation."

So 'rushed' liberalisation was the problem? Sadly, acceptance of liberalisation, and a complete failure to seek to develop a European campaign which brought together postal workers on a European level, leaves the CWU in a weak position. Even if the Post Office is not privatised the impact of competition will inevitably lead to job losses and the fracturing of the industry.

'Liberalisation' is simply another course to privatising work which is currently carried out by the public sector. The CWU cannot defeat privatisation whilst accepting the inevitability of liberalisation.

There is no national solution to this threat. Only a European campaign which challenges liberalisation can hope to block privatisation of the service. If the CWU does not work to develop a campaign based on the common interests of postal workers throughout Europe than it can only fall back onto a 'national' solution to defend British postal services.

NATFHE Pensions Strategy

The following Pensions Resolution was adopted at the NATFHE NEC on 29th April.

NEC welcomes the Government commitment to negotiate on all aspects of the proposed changes to public sector pension schemes. In forthcoming negotiations NATFHE will work together with the other public sector unions to insist on retaining the right to take pension without detriment at age 60 in all public sector pension schemes; retaining the minimum retirement age of 50; no detriment to current or future scheme members; improvements to the state pension scheme.

When "scheme specific" negotiations are re-opened at the TPS Working Party, the NATFHE representatives are instructed to press for improvements to the scheme in line with union policy including:

- 1/60th based scheme without the punitive 1:12 commutation rate for lump sum;
- Full access to TPS for part-time and agency workers;
- Survivor benefits for unmarried partners including same sex;
- Changes which will end the inequality of pension entitlement for women.

NEC recognises that the individual negotiating strength of our union lies in the combined unity of purpose with the other public sector unions, together with the threat of further co-ordinated industrial action. In order to campaign effectively for our shared

objectives NATFHE will:

- a) Coordinate the scheme specific negotiations on public service pensions, including coordination of publicity and research.
- b) Circulate to our sister unions reports from our negotiations and publicise to our members such reports from our sister unions.
- c) Produce and distribute campaign materials (leaflets, petitions) on a joint union basis.
- d) Encourage the coordination of local public sector pensions campaign activities at town and city levels.
- e) Coordinate ballots and strike dates for joint industrial action if negotiations prove not to be meaningful or fail to produce acceptable concessions.
- f) Include an enabling clause in future ballots to permit further continuous or discontinuous action, if required.
- g) Help build, along with other public sector unions, a branch and workplace based TU Convention on pensions, open to all TUC affiliates and pensions organisations.

NUT conference opposes 'social partnership'

The NUT conference took an important series of decisions, some against the wishes of the leadership. By a majority of 4 to 1 delegates voted for "an alliance of public sector unions to oppose social partnership, job cuts and modernisation". This makes it only the second union to adopt a policy of opposition to 'social partnership' (the first was the RMT).

The conference votes unanimously to adopt a campaign against the government's proposals for 'city academies'. The government is proposing 200 of these schools in which private owners receive government money and can operate outside of national bargaining and determine the curriculum.

A resolution to ballot for strike action if school support staff should be used to take classes rather than qualified teachers, was passed in the face of opposition from the Executive. The resolution called for a moratorium on the government's remodelling proposals. This means that the largest teaching union (NUT), the largest support workers' union (Unison), and the largest headteachers' union (NAHT) are all opposed to the Remodelling Agreement.

The conference pushed through an important constitutional amendment. In strike ballots not only is a majority necessary, but the majority has to be at least 2 to 1 in favour, and constitute over 50% of those eligible to vote! Failure to reach this threshold meant that the ballot for SATS was *lost*, despite a 70% majority, because of a low turn out.

This obstacle course was set up by a previous leadership in order to frustrate the will of conference, which the bureaucrats

could not control.

The constitution was changed so that a simple majority of those voting is now necessary.

Conference delegates were sceptical about the government's retreat on the pension issue. A resolution was passed which called for escalation of action if the government did not withdraw its proposals on retirement at 65 and a reduced pension.

It doesn't add up

Amicus internal membership figures for April 2005 have been passed to *amicus.cc*. Union statistics on this subject have always been a joke, the old MSF union in particular had tens of thousands of homeless non-paying members. Despite promises to clean up the figures it is apparent that the abuse continues. The official *amicus* website proclaims:

"Amicus is the UK's largest manufacturing, technical & skilled persons' union. With over **1.2m members** in the private & public sectors, we are a major industrial force."

Prior to the acquisition of the GPMU and UNIFI, it was regularly claimed we had 1 million members. If fact *amicus.cc* can now reveal we had 637,659 then. As of April, including the 2 unions' membership, we have **880,090**. A minor discrepancy of over **320,000**.

(From the web site www.amicus.cc)

"The old way of doing things"

USDAW is targetting Marks & Spencers stores in the north west to test the water amongst staff. It has had an "unprecedented number of requests" for information and advice from workers at the chain. This is in the wake of a new chief executive who has shed hundreds of jobs and changed contracts.

John Hannett, USDAW general secretary, is scandalised that the company is not being helpful. He wants a modern partnership agreement with the company.

But USDAW has been forced to hand out leaflets to staff and to ask existing members to recruit other staff to the union. Hannett says:

"This is no ideal, because it smacks of the old way of doing things. What we want is to be invited in by management to sit down with them and to talk to the staff in a non-adversarial way."

It may be an old fashioned idea, but aren't we supposed to recruit the workers rather than the management?

Vera Drake

Eileen George reviews *Mike Leigh's new film dealing with the theme of abortion before its legalisation in 1967.*

When noises are once again being made about restricting upper time limits for abortions the film *Vera Drake* comes as a timely reminder of what things were like before the availability of legal termination of pregnancy.

Vera is a working class woman who cleans the houses of the middle classes, while "helping girls out" in her spare time. The desperation of her clients is obvious, from the married mother of seven who just can't afford another child, to the single girl trying to avoid social stigma. Vera or somebody like her is their only way out.

In contrast, the daughter of one of Vera's employers can pay one hundred guineas and have a termination by a gynaecologist in a private clinic, while pretending to her mother that she has been away for the weekend.

Vera lives with her husband and two grown children in a small cramped dark flat. The homes she works in are bright, full of shiny brass and mirrors (cleaned by Vera) and a million miles away from hard realities of post war working class life.

Things go drastically wrong when one of Vera's clients nearly dies following an abortion and the police arrest her on criminal charges.

The attitude of her family to this unexpected revelation is varied. Her husband stands by her despite the fact that he "would have put a stop to it if I had known" but her son is horrified and seems to miss the connection between his social activities trying to seduce girls, and the girls who come to Vera for help. Her daughter's fiancé voices the most down to earth view when he says that trying to bring up six kids in one room isn't easy, and "if you can't feed them you can't love them can you?"

Unwanted pregnancy and recourse to the back street abortionist was a huge social problem prior to the 1967 Act, and is featured in many books, plays and films of the period: *Up the Junction* and *Alfie* to name but two. Many women died or were made infertile as a result of unskilled terminations.

Many young women today don't realise what a difference the 1967 Act, however flawed, has made to the lives of millions of ordinary women.

Vera Drake is a film dealing with important social issues but it's also a marvellous period piece of working class life in the 1950s. Go to see it if you can.

Ireland: Trade Union Activists Forum launched

At a well attended meeting in Dublin on May 7th a **Trade Union Activists Forum** was set up, bringing together a wide range of activists from Irish (and British based) unions. The meeting was the product of a previous get together where activists discussed the crisis of the Irish unions. Discussion was also had on the situation in Britain and the United States. Martin Wicks and Terry Pearce attended that event from **SOLIDARITY**.

One of the organisers of the meeting, TEEU activist **Jimmy Kelly** told **SOLIDARITY**:

"The meeting was a great success. There were 41 present including some new people with a long and serious tradition of struggle, and there were also apologies from others who will attend in the future.

The lead-offs were excellent. Eddie Conlon, Teachers Union, spoke on the reality of 'partnership' deals between labour and the employers for the working class. Owen McCormack, Busworkers Union, spoke on the privatisation theft of state resources and loss of jobs and conditions which followed. Patrick Maphosa from South Africa dealt with the horrific pressures on migrant families arising from the employers right to hold their work permits and the state ban on a spouse's right to work. Michael O'Brien gave a detailed report on that on the GAMA dispute and the role of the Turkish Workers Support Group. Mick O'Reilly, General Secretary of the ATGWU spoke on the problems and challenges of trade union organising and recruitment.

In the afternoon, SIPTU activist Des Derwin for the Steering Committee, summarised the historical problems of left activists and groups and raised the challenge of the need to work together on an agreed program. Des introduced a statement of aims which was adopted as a working charter on the understanding that it is open to modification as the Forum develops.

During two hours of open debate many speakers talked of the need for the Forum to become a platform for clarifying ideas and bring them back into the unions for action, as well as dealing with specific issues arising from the lead-offs.

The meeting concluded with agreement to meet again in July to discuss the crisis in the health service and the impending referendum on the euro constitution. It was also agreed to convene a major conference around the forum in September."



Statement

The Trade Union Activists Forum is a gathering of trade unionists who want a fighting and democratic trade union movement. We will work for:

- * An end to social partnership and its replacement by solidarity between workers and by trade union independence. Workers should be able to lodge substantial claims against their own employers.
- * A halt to privatisation and outsourcing and for strong trade union action to defend the public sector.
- * Pay rises in the public sector to be freed from ties to 'industrial peace', productivity and 'modernisation'.
- * A reverse in the decline of trade union density, real recruitment drives by unions and a legal right to trade union recognition.
- * Urgent mobilisation of the trade union movement against the super-exploitation of immigrant workers and for the recruitment and participation of immigrant workers in the unions; for an end to work permits that tie workers to a single employer.

* Repeal or major reform of the 1990 Industrial Relations Act which severely restricts the ability of unions to defend and advance their members.

* An end to no-strike agreements and binding arbitration.

* The right of workers to join the trade union of their choice.

* Support for all workers resisting closures and job losses, and for a rise in statutory redundancy payments to three weeks per year of service.

* A National Minimum Wage of Euro 10 per hour.

* Campaigning unions fighting for greatly improved health and social services and housing.

* Democratic trade unions run by the members.

* Closing the earnings gap between women and men, childcare facilities (in society and in the unions) and greater participation by women in the movement.

The time has come for those who want a new direction in the unions to get organised. The Trade Union Activists Forum will meet regularly and provide resources in order to:

- (a) popularise our alternative policies in the unions;
- (b) provide arguments, data and information to activists opposed to social partnership, privatisation and market-driven policies;
- (c) organise campaigns for the rejection of any further social partnership agreements;
- (d) provide assistance and co-ordinate solidarity, where possible, for workers in struggle.

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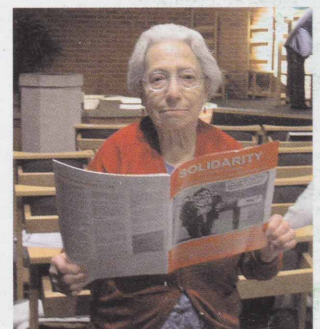
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French ‘No’ vote: an opportunity to begin to turn the tide against ‘liberalisation’ and privatisation

The big majority for the No vote in the French Referendum on the European Constitution is a victory for the working class in Europe. It throws the EU apparatus and the political establishments which supported a Yes vote into something of a crisis. Blair called for “a period of reflection”. His old friend, the EU Competition Commissioner, Peter Mandelson, dismissively suggested that the French could hold a fresh referendum in the future in the hope of securing a yes result. “No single member state has a veto over a constitutional treaty of this sort,” he said. However, given the size of the majority against ratification, it is difficult to see how the French government could put the same treaty to another vote, even if amended.

Why did the ‘No’ vote win? The right wing media here has spoken of an ‘unholy alliance’ between the left and right. In reality there were divisions within all the major parties. The Socialist Party called for a Yes vote as did the Greens, but the majority of their supporters ignored their advice and voted No. There was a distinct left campaign for the No (“A No from the left”) which centred on the theme of rejecting neo-liberalism. There were close to 1,000 local campaign groups which united the left, dissident Socialist Party and Green members, campaigning for a No vote.

Some of the French “don’t understand the world we live in” said Mandelson derisively. On the contrary, they do understand the way the world economy operates, and many of them chose to reject it. The No vote was a rejection of ‘globalisation’; a rejection of the reduction of everything to a commodity; a rejection of the ‘reforms’ of the welfare state; a rejection of ‘liberalisation’ of public services. The trades unions, even though their membership is low in France, played a big role in campaigning for a No vote in defence of the interests of the working class, rather than defending ‘national interests’ or adopting an ‘anti-Europe’ stance.

But will the trades unions now seize the chance resulting from the disorientation of the European capitalist governments? Unfortunately, the mainstream unions, including the European TUC, have largely placed themselves in the camp of the European employers. The ETUC supported the EU constitution. For the most part the unions have failed to challenge the process of ‘liberalisation’, be it of rail, post or elsewhere. They have raised objection in relation to health and education; calling for amendment to the Bolkestein directive, especially its ‘country of origin’ principle. Under pressure from France, facing the threat of defeat in the referendum, the Bolkestein directive was hastily withdrawn for consideration of amendments.

Yet the mainstream unions have failed to challenge privatization/liberalization on a European level. Even a union considered to be a left wing one, such as the CWU in Britain, has accepted the ‘inevitability’ of liberalization of postal services, whilst opposing privatization of the Post Office in Britain. Yet you cannot oppose privatization in any real sense whilst accepting that postal services will be opened to competition. A genuine struggle against liberalization, which is nothing more than privatization by degrees, can only be fought at the European level. This requires bringing together those unions looking for building action against privatization, with those forces within the mainstream unions seeking to break the passivity of their organizations in the face of liberalization within the EU.

The French rail unions are organizing strike action against liberalization of rail services, beginning with freight. The SUD-Rail union is surely right when it sees the ‘No’ vote as an opportunity to push back the liberalization agenda. The strike action they are launching on June 2nd is based on the demand to call a halt to the plans for privatization. It remains to be seen what results they achieve, but without such action liberalization will continue apace.

Blair has said that the French result raises questions about the future of Europe and how it faces up to “the challenge of globalization”; how its economy can be “successful and competitive”. The French voters have expressed their opposition to a world organized on the neo-liberal basis which Blair thinks is unchallengeable. In the words of SUD-rail, “now we need to propose, pursue and build an alternative”.

POSTSCRIPT. The No vote in Holland, which secured 63%, has reinforced the French referendum result and sent the establishment into a crisis.

